



State of Arizona
Department of Education

Tom Horne
Superintendent of
Public Instruction

CN #07-09
USDA SP #40-2008

MEMORANDUM

TO: Sponsors of the National School Lunch Program

FROM: Mary Szafranski, Deputy Associate Superintendent
Arizona Department of Education, Health and Nutrition Services

Lee Renda, NSLP Nutrition Director
Lynn Ladd, NSLP Health Director
National School Lunch Program

Original Signed

DATE: October 23, 2008

SUBJECT: Release of Student Eligibility Information- Policy Reaffirmation

The content of this memorandum is based upon previously issued memoranda from the Arizona Department of Education (ADE) and the United States Department of Agriculture (USDA) and serves to reaffirm the policy of sharing student eligibility information under the National School Lunch Program (NSLP).

May Local Education Agencies (LEAs) share student eligibility information under the National School Lunch Program (NSLP)?

Yes, USDA does provide the authority to the LEAs (and State Agency) to share the information if they wish to do so with persons that are directly connected with the administration or enforcement of Federal or State educational assessment programs such as Title 1 and the National Assessment of Educational Progress (NAEP). It is not a USDA requirement to share the eligibility information with the above programs but recommended.

What eligibility information can be shared with any Federal or State educational assessment program?

Any Federal or State educational assessment program may be granted "Limited Disclosure". Limited disclosure is defined as the names and eligibility statuses of individual children

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certified for free and reduced price school meals **only**. Other application information such as actual income or social security numbers may not be shared.

Who may be granted limited disclosure to the names and eligibility statuses of individual children certified for free and reduced price school meals without parental consent?

Persons directly connected with the administration or enforcement of those Federal or State educational assessment programs.

What is required before granting limited disclosure to the names and eligibility statuses of individual children certified for free and reduced price school meals?

USDA and ADE do not require any action but recommend that school officials, prior to granting limited disclosure of the names and eligibility statuses of individual children to the persons directly connected with the administration or enforcement of Federal or State educational assessment programs, enter into a “memorandum of understanding” or other confidentiality agreement to which all involved parties would adhere.

This agreement should specify:

- The names of individuals who would have access to the information
- How the information would be used in implementing Title I or another program’s requirements,
- How the information would be protected from unauthorized uses and third-party disclosures.

This agreement should include a statement of the penalties for misuse of the information. A template agreement is attached to this memorandum and is available at

[www.http://www.ade.az.gov/health-safety/cnp/nslp/GuidanceManual/FRManual/AppendixO.pdf](http://www.ade.az.gov/health-safety/cnp/nslp/GuidanceManual/FRManual/AppendixO.pdf)

The State Agency has entered into a written agreement with the Arizona NAEP coordinator for limited disclosure to the names and eligibility statuses of individual children certified for free and reduced price school meals for use in state assessment for NAEP.

Is parental consent required or do the households have to be notified when limited disclosure of names and eligibility statuses of individual children certified for free and reduced price school meals is granted to Federal or State educational assessment programs?

No. According to the National School Lunch Act (NSLA), LEA may grant limited disclosure of the names of individual children certified for free and reduced price school meals and the child’s eligibility status without parental consent. However, it is recommended that LEAs notify households of plans to disclose or use the names and eligibility statuses of individual children.

Specifically, what Federal or State education programs are eligible to be granted limited disclosure of names and eligibility statuses of individual children certified for free and reduced price school meals without parental consent?

Federal programs: Title I, Job Training Partnership Act (JTPA), NAEP, United States Department of Agriculture (USDA), Johnson-O’Malley Program (JOM), Indian Education (Title IX, Part A) Please check the ADE Health and Nutrition website as we will be identifying new programs that can be granted limited disclosure of names and eligibility

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statuses of individual children certified for free and reduced price school meals without parental consent.

If an LEA wishes to provide benefits to economically disadvantaged children, such as free text books, art supplies, or reduced fees for summer school, may the names and eligibility statuses of individual children certified for free and reduced price school meals be released without parental consent?

No. Parental consent must be provided to release student eligibility for such local education programs. To obtain parental consent, the LEA may utilize a multi-use household application, available at www.ade.az.gov/health-safety/cnp/nslp/Operating/.

Can LEAs require households to submit an application for free and reduced meals for the purpose of reporting to Federal or State educational assessment programs?

No. LEAs cannot require households to submit applications for free and reduced price meals.

What other memoranda related to the release of free and reduced price meal eligibility have been previously issued?

CN #02-09, 17-07, 15-03, 30-02, and 12-01 (question 3). All memoranda are available online at www.ade.az.gov/health-safety/cnp/nslp/Memos/.

If you have additional questions regarding this memo, please contact your assigned School Health and Nutrition Specialist.

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